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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/802,983

03/17/2004

Thomas E. Valiulis

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3899

53609

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11/17/2006

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/802,983

**Applicant(s)**

VALIULIS ET AL.

**Examiner**

Anita M. King

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 29-45 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 12-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 9-11 and 29-41 is/are allowed.
- 6) ☒ Claim(s) 42-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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This is the fourth office action for application number 10/802,983, Retail Display Support having Reduced Drag and Method, filed on March 17, 2004.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 31, 2006 has been entered.

***Election/Restrictions***

Claims 5-8 and 12-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 28, 2005.

***Cancellation of Claims***

Claims 17-28 have been canceled per applicant's request.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,878,895 to Springs in view of U.S. Patent 4,809,855 to Bustos. Springs discloses an apparatus (10) for placement upon a vertical support in a retail setting, the apparatus comprising: two or more pieces of retail merchandise (12); a retail support structure (14) having a rearward portion (22) adapted to be supported by the vertical support, the retail support structure having a support surface (26) extending horizontally, the support surface adapted to slidably support the retail merchandise; a front stop (28) arranged proximate a front end of the support surface; and self facing means (16) for facilitating forward movement of the retail merchandise supported on the support surface toward the front stop.

Springs discloses the claimed invention except for the limitation of a reduced friction layer permanently secured to the support surface, the layer being a fluoropolymer or silicon, note the limitation of the silicon being cured by ultraviolet light is not afforded any patentable weight because it is a process of treating the silicon that does not further limit the structural limitations of the apparatus. Bustos teaches an apparatus for placement upon a vertical support in a retail setting, the apparatus having a retail support structure (17) having a rearward portion and a support surface (21), a front stop (20), a reduced friction layer (24) permanently secured to the support surface and arranged to directly contact the retail merchandise, the reduced friction layer having a static coefficient of friction that is less than a static coefficient of friction for a standard powder coated finish for retail shelves, the

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friction layer being a silicon, and wherein the retail merchandise is arranged between the front stop and the rearward portion and slides upon the layer and wherein a reduced drag force between the retail merchandise and the reduced friction layer promotes self facing of the retail merchandise. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the surface in Springs to have included a friction layer as taught by Bustos for the purpose of a means for sliding the merchandise with minimum friction in regards to the support surface.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the friction layer in Bustos to have been a fluoropolymer for the purpose of providing an alternative mechanically, equivalent material for reducing friction as taught by the reference to Bortz (U.S. Patent 5,646,076).

### ***Allowable Subject Matter***

Claims 1-4, 9-11, 29-41 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter in the above claims are the limitations of an apparatus having a retail support structure, a front stop, a self-facing means for facilitating forward movement of the retail merchandise supported on the support surface toward the front stop, and a reduced friction layer selected from the group consisting of a fluoropolymer coating and a cured silicon coating that has been cured by ultraviolet (UV) light on the support surface and arranged to directly contact the retail merchandise, now

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essentially included in independent claims 1 and 29 and in combination with the other elements recited in the claims, respectively and which is not found in the prior art of record.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,577,623 to Bustos

U.S. Patent Application Publication 2004/0245197 to McElvaney

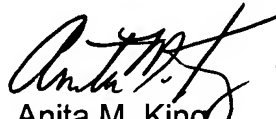
The above patents both disclose shelf management systems for retail merchandise.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Anita M. King  
Primary Examiner  
Art Unit 3632

November 13, 2006